

## **Assembly Bill No. 354**

### **CHAPTER 265**

An act to amend Sections 9160, 9280, 9313, 9314, and 9500 of the Elections Code, relating to elections.

[Approved by Governor September 9, 2013. Filed with  
Secretary of State September 9, 2013.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 354, Dahle. Local ballot measures: impartial analysis.

Under existing law, a county, city, or district ballot measure may be placed on the ballot at the county, city, or district election by a petition signed by the requisite number of voters or by the county board of supervisors, the governing body of the city, or the governing body of the district, respectively. Whenever a county, city, or district measure qualifies for a place on the ballot, existing law requires the county counsel or city attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

This bill would require the impartial analysis for a county, city, or district ballot measure to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the county board of supervisors, city governing body, or district governing body, respectively.

Under existing law, a ballot measure may be placed on the ballot at a school district election by the governing board of the school district. Whenever a school district ballot measure is placed on the ballot, existing law requires the county counsel or district attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

This bill would require the impartial analysis for a school district ballot measure to include a statement indicating that the measure was placed on the ballot by the governing board of the school district.

*The people of the State of California do enact as follows:*

**SECTION 1.** Section 9160 of the Elections Code is amended to read:

9160. (a) Whenever a county measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county auditor and to the county counsel or to the district attorney in a county that has no county counsel.

(b) The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing

law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the board of supervisors. The analysis shall be printed preceding the arguments for and against the measure. The analysis may not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

The elections official may, at his or her discretion, add the following message: “You may also access the full text of the measure on the county Web site at the following Web site address (insert Web site address).”

(c) Not later than 88 days prior to an election that includes a county ballot measure, the board of supervisors may direct the county auditor to review the measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the county. He or she shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The fiscal impact statement is “official matter” within the meaning of Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement may not exceed 500 words in length.

SEC. 2. Section 9280 of the Elections Code is amended to read:

9280. Whenever a city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the

elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

SEC. 3. Section 9313 of the Elections Code is amended to read:

9313. Except as provided in Section 9314, whenever a district measure is submitted to the voters, the district elections official shall transmit a copy of the measure to the county counsel, or to the district attorney if there is no county counsel, of the county that contains the largest number of registered voters of the district. The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the district. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the district elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

SEC. 4. Section 9314 of the Elections Code is amended to read:

9314. (a) Whenever a district measure is submitted to the voters of a water district, the district elections official shall transmit a copy of the measure to the legal counsel for the water district, or to the county counsel if there is no legal counsel for the water district, of the county that contains the largest number of registered voters of the water district. Except as otherwise provided in subdivision (b), if there is a legal counsel for the water district, he or she shall prepare, subject to review and revision by the county counsel, an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the water district. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the district elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

(b) If there is no legal counsel for the water district, or if the legal counsel for the water district and the county counsel so agree, the county counsel shall prepare the impartial analysis.

(c) As used in this section:

(1) “Legal counsel for the water district” means the attorney designated under the district’s conflict of interest code as its legal officer pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(2) “County counsel” means the district attorney if there is no county counsel.

(3) “Water district” means a water district as defined in Section 20200 of the Water Code.

SEC. 5. Section 9500 of the Elections Code is amended to read:

9500. (a) Whenever a school measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county counsel or to the district attorney in a county that has no county counsel.

(b) The county counsel or district attorney shall prepare an impartial analysis of the measure, showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating that the measure was placed on the ballot by the governing board of the district. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.